रजिस्टर्ड सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग 2—खण्ड—2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 58] नई दिल्ली, सोमवार, दिसम्बर 18, 1967/अग्रहायण 27, 1889

No. 58] NEW DELHI, MONDAY, DECEMBER 18, 1967/AGRAHAYANA 27, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th December, 1967 —

I

BILL NO XXVII OF 1967

A Bill to amend the Rice-Milling Industry (Regulation) Act, 1958

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows —

Short title and commencement

1. (*1*) This Act may be called the Rice-Milling Industry (Regulation) Amendment Act 1967

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

Amendment of section 3

21 of 1958

2. In the Rice-Milling Industry (Regulation) Act, 1958 (hereinafter referred to as the principal Act), in section 3,—

(*1*) for clause (*a*), the following clause shall be substituted, namely:—

'(*a*) **"defunct rice mill" means—**

(*i*) **a rice mill in existence at the commencement of this Act but in which rice-milling operations have not**

been carried on for a continuous period of one year prior to such commencement; and

(*ii*) a rice mill (whether established before or after such commencement) in which rice-milling operations are not carried on for a continuous period of one year at any time after the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1967;';

(2) to clause (*b*), the following proviso shall be added, namely:—

"Provided that if in any such rice mill rice-milling operations are not carried on for a continuous period of one year at any time after the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1967, then, such mill shall, on the expiry of the said period of one year, cease to be an existing rice mill and be deemed to be a defunct rice mill;";

(3) for clause (*d*), the following clause shall be substituted, namely:—

'(*d*) "milling-rice", with its grammatical variations, means—

(*i*) recovering rice or any product thereof from paddy;

(*ii*) polishing rice,

with the aid of power;';

(4) after clause (*g*), the following clause shall be inserted, namely:—

'(*gg*) "polishing" in relation to rice means the removal of bran from the kernel of rice;'.

Insertion of new section 3A.

3. In the principal Act, after section 3, the following section shall be inserted, namely:—

Application of the Act to rice-hullers.

"3A. The provisions of this Act, shall apply to rice-hullers attached to, or maintained with, any flour, oil, *dal* or other mill, or pumping set as they apply to rice mills subject to the modification that any reference to the commencement of this Act in those provisions shall, in their application to such rice-hullers, be construed as a reference to the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1967.".

Amendment of section 5.

4. In section 5 of the principal Act,—

(*1*) in sub-section (*3*), for the words "such other conditions as it may think fit", the words "such other conditions (including such conditions as to improvements to existing machinery, replacement of existing machinery and use of improved methods of rice-milling, as may be necessary to eliminate waste, obtain maximum production and improve quality) as it may think fit" shall be substituted;

(*2*) for sub-section (*5*), the following sub-section shall be substituted, namely:—

"(*5*) (*a*) In granting a permit under this section (whether for the establishment of a new rice mill or for re-commencing rice-milling operation in a defunct rice mill), the Central Government shall give preference—

(*i*) to a Government company or a corporation owned or controlled by the Government over every other applicant;

(*ii*) to a farmers' co-operative society over every other applicant, not being a Government company or a corporation owned or controlled by the Government,

notwithstanding that such other applicant has applied for the grant of a permit for re-commencing rice-milling operation in a defunct rice mill.

(*b*) Subject to the provisions of clause (*a*), in granting a permit under this section, the Central Government shall give preference to a defunct rice mill over a new rice mill.

Explanation.—In this sub-section,—

(*i*) "Co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 or any other law relating to co-operative societies for the time being in force in any State and "farmers' co-operative society" means a co-operative society the membership whereof is restricted by the bye-laws and rules of the society to farmers only;

2 of 1912.

(*ii*) "Government company" has the same meaning as in the Companies Act, 1956.";

1 of 1956.

(*3*) in sub-section (*6*),—

(*i*) for the words "shall be effective" the words "shall be valid" shall be substituted;

(*ii*) the following proviso shall be added at the end, namely:—

"Provided that if in a mill in respect of which a permit has been granted under sub-section (3) rice-milling operation is not carried on for a continuous period of one year at any time after the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1967, then, such permit shall cease to be valid upon the expiry of the said period of one year and a fresh permit shall be necessary for re-commencing rice-milling operation in that mill.".

Amendment of section 6.

5. In section 6 of the principal Act,—

(*1*) in sub-section (*1*), for the words and figure "a permit has been granted under section 5", the words and figure "a permit granted under section 5 is effective" shall be substituted;

(*2*) in sub-section (*3*), for the brackets and words "(including, in particular, conditions relating to the polishing of rice)", the brackets and words "(including such conditions as to improvements to existing machinery, replacement of existing machinery and use of improved methods of rice-milling, as may be necessary to eliminate waste, obtain maximum production and improve quality and conditions relating to the polishing of rice)" shall be substituted;

(*3*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) A licence granted under this section shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fees and on such conditions (including such conditions as to improvements to existing machinery, replacement of existing machinery and use of improved methods of rice-milling, as may be necessary to eliminate waste, obtain maximum production and improve quality) as may be prescribed:

Provided that if in a mill in respect of which a licence has been granted under sub-section (3) rice-milling operations are not carried on for a continuous period of one year at any time after the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1967, then, such licence shall cease to be valid upon the expiry of the said period of one year and a fresh licence shall be necessary for carrying on rice-milling operations in that mill.".

Amendment of section 8.

6. In section 8 of the principal Act, in sub-section (3),—

(*i*) in clause (*a*), for the words "after the expiry of the period of the validity of the licence," the words "after the licence has ceased to be valid" shall be substituted;

(*ii*) for the proviso to clause (*d*), the following proviso shall be substituted, namely:—

"Provided that no such permission shall be necessary,—

(*i*) where such expansion is in accordance with the terms and conditions of the permit or licence granted under this Act in respect of the rice mill; or

(*ii*) for the replacement merely of any parts of the machinery of the rice mill if such replacement does not result in an increase in the productive capacity of the rice mill.".

Amendment of section 13.

7. In section 13 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) If any person contravenes or attempts to contravene or abets the contravention of any of the provisons of section 8 or sub-section (2) of section 18, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention:

Provided that where such contravention, attempt or abetment relates to sub-section (*1*), or sub-section (*2*), or clause (*a*) or clause (*b*) of sub-section (*3*) of section 8, or sub-section (2) of section 18, he shall be punishable with imprisonment for a term which shall not be less than one month.".

Insertion of new sections 14A and 14B.

8. After section 14 of the principal Act, the following sections shall be inserted, namely:—

Burden of proof in certain cases.

"14A. Where paddy, husk, rice or broken rice is recovered from the premises of a mill, it shall be presumed, unless the contrary is proved by the owner, that rice-milling operations are carried on in that mill.

Confiscation of plant

14B. Where any person has been convicted for contravention of any of the provisions of section 8 or of sub-section (2) of section 18, then, the court convicting such person may order con-

and machinery.

fiscation of the plant and machinery with which rice-milling operations in contravention of such provision were carried on:

Provided that where such person is convicted for a second or subsequent offence, the court shall order confiscation of such plant and machinery.".

Amendment of section 21.

9. In sub-section (*1*) of section 21 of the principal Act, for the words "any person", the words "any officer or authority" shall be substituted.

Amendment of section 22.

10. In section 22 of the principal Act,—

(*1*) in sub-section (*2*),—

(*a*) after clause (*b*), the following clause shall be inserted, namely:—

"(*bb*) the form of a permit under section 5 and the conditions (including conditions relating to improvements to existing machinery, replacement of existing machinery and use of improved methods of rice-milling) subject to which a permit may be granted and the time within which such conditions shall be complied with;";

(*b*) in clause (*d*), for the words "including conditions relating to the polishing of rice", the words "including conditions relating to improvements to existing machinery, replacement of existing machinery, use of improved methods of rice-milling and polishing of rice, the time within which such conditions shall be complied with" shall be substituted.

(*2*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

STATEMENT OF OBJECTS AND REASONS

The Rice-Milling Industry (Regulation) Act, 1958, was enacted to regulate the working of rice mills in the country in order that hand-pounding industry which provides large employment to rural population got adequate facilities for development. There has been a growing public demand that rice mills in the country should be brought progressively under co-operative or State management and that provisions should be made for the progressive establishment of control of the community over this important industry. The Act does not contain any provision for giving preference for the public or co-operative sector in the establishment of new rice mills. It is, therefore, proposed to amend the Act to provide that in future preference would be accorded in the matter of grant of permits for the establishment of rice mills to public sector undertakings like the Food Corporation of India and to registered co-operative societies composed exclusively of farmers.

2. Opportunity is being taken to provide for certain other amendments which have been felt necessary on the basis of experience in the working of the Act during the last few years. First, several difficulties have been experienced with regard to the control over small hullers. These hullers are scattered all over the country-side far away from important markets and, in many cases, are run along with other power-driven plants like flour, oil and *dal* mills or pumping sets, etc., without obtaining requisite permits or licences under the Act. These hullers sometimes operate clandestinely at night making it difficult to check their activities. It is, therefore, proposed to make it clear that attachment of hullers with other power-driven units mentioned above would amount to establishment of rice mills and to tighten at the same time the penal provisions in respect of running of unlicensed hullers. Secondly, it is possible under the Act for existing or new rice mills to stop rice-milling operations for a considerable period and thereby affect the supply position. It is, therefore, proposed to provide that if any mill ceases to operate for a continuous period exceeding one year, it would become a defunct rice mill and would require a fresh permit for recommencing rice-milling operations.

3. The quantum of punishment as provided for in the Act is too inadequate to check the clandestine activities of rice millers/hullers

effectively. Even in the cases of gross offences the wrong-doers can get away with a light punishment. It is proposed to provide for more stringent punishment. Further, most of the rice mills are antiquated and use outmoded technology with the result that the outturn of rice from outmoded hullers is much lower than that from sheller-*cum*-polisher type of mills. Such hullers decrease the availability of rice. Opportunity is being taken to ensure that rice mills both existing and new are equipped with modern equipment and also use modern technology. Moreover, removal of bran popularly known as polishing of rice after its recovery from paddy is also proposed to be covered by the term "milling rice" which at present covers recovery of rice from paddy. This will check unauthorised milling which is done in the name of polishing of rice.

4. The Bill seeks to achieve the above objects

NEW DELHI; JAGJIVAN RAM.

The 28th November, 1967.

FINANCIAL MEMORANDUM

By virtue of sub-clauses (*1*) and (*2*) of clause 2 and sub-clause (*3*) (*ii*) of clause 4, of the Bill, fresh permits for recommending rice-milling operations would be necessary in the case of rice mills which have ceased to carry on rice-milling operations for a continuous period of one year. By virtue of clause 3 which provides that the provisions of the Act shall apply to rice hullers as they apply to rice mills, it would become necessary to obtain permits and licences under the Act in respect of rice hullers. By virtue of sub-clause (*3*) of clause 5, fresh licences would be required in the case of rice mills which have recommenced rice-milling operations under permits obtained in that behalf. As a result, there may be some increase in the work relating to permits and licences under the Act. It is felt that the existing officers under the Act would be able to cope up with such additional work to a large extent. However, it may be necessary to appoint some additional officers in the Union territories in connection with the administration of the Act. It is estimated that the additional expenditure that is likely to be involved on this account may be approximately as stated below:—

Non-recurring expenditure	..	.. Rs. 25,000
Recurring expenditure	..	.. Rs. 50,000 per year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to amend sub-section (2) of section 22 of the principal Act to provide that rules may also be made under that section in respect of—

(*i*) the form in which permits may be granted under the Act;

(*ii*) the conditions as to improvements to existing machinery, replacement of existing machinery and use of improved methods of rice-milling subject to which permits and licences may be granted under the Act; and

(*iii*) the time within which such conditions shall be complied with.

These are matters of form or detail. The delegation of legislative power is thus of a normal character.

II

BILL NO. XXIII OF 1967

A Bill to provide for the regulation of registration of births and deaths and for matters connected therewith.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Registration of Births and Deaths Act, 1967. extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different parts of a State.

Definitions and interpretation.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "birth" means live-birth or still-birth;

(*b*) "death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;

(*c*) "foetal death" means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy;

(*d*) "live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, and each product of such birth is considered live-born;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "State Government", in relation to a Union territory, means the Administrator thereof;

(*g*) "still-birth" means foetal death where a product of conception has attained at least the prescribed period of gestation.

(*2*) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGISTRATION-ESTABLISHMENT

Registrar-General, India.

3. (*1*) **The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.**

(*2*) **The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge.**

(*3*) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and

deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

Chief Registrar.

4. (1) The State Government may, by notification in the Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps, by the issue of suitable instructions or otherwise, to co-ordinate, unify and supervise the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State along with the statistical report referred to in sub-section (2) of section 19.

Registration divisions.

5. The State Government may, by notification in the Official Gazette, divide the territory within the State into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

District Registrar.

6. (1) The State Government may appoint a District Registrar for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

Registrars.

7. (1) The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them:

Provided that the State Government may appoint in the case of a municipality, panchayat or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

CHAPTER III

REGISTRATION OF BIRTHS AND DEATHS

Persons required to register births and deaths.

8. (1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,—

(a) in respect of births and deaths in a house, whether residential or non-residential, not being any place referred to in clauses (b) to (e), the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognised by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;

(*b*) in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf;

(*c*) in respect of births and deaths in a jail, the jailor in charge;

(*d*) in respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge, thereof;

(*e*) in respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere:

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid;

(*f*) in any other place, such person as may be prescribed.

(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (*a*) of sub-section (*1*) instead of the persons specified in that clause.

Special provision regarding births and deaths in a plantation.

9. In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8:

Provided that the persons referred to in clauses (*a*) to (*f*) of sub-section (*1*) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

Explanation.—In this section, the expression "plantation" means any land not less than four hectares in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may by notification in the Official Gazette, specify

and the expression "superintendent of the plantation" means the person having the charge or supervision of the labourers and work in the plantation, whether called a manager, superintendent or by any other name.

Duty of certain persons to notify births and deaths and to certify cause of death.

10. (*1*) It shall be the duty of—

(*i*) the midwife or any other medical or health attendant at a birth or death;

(*ii*) the sweeper in a municipality, panchayat or other local authority;

(*iii*) the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or

(*iv*) any other person whom the State Government may specify in this behalf by his designation,

to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under sub-section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue, without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

Informant to sign the register.

11. Every person who has orally given to the Registrar any information required under this Act shall write in the register maintained in this behalf, his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar.

Extracts of registration entries to be given to informant.

12. The Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under section 8 or section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death.

Delayed registration of births and deaths.

13. (*1*) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(*2*) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

(*3*) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(*4*) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.

Registration of name of child.

14. Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry.

Correction or cancellation of entry in the register of births and deaths.

15. If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

CHAPTER IV

MAINTENANCE OF RECORDS AND STATISTICS

Registrars to keep registers in the prescribed form.

16. (*1*) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(*2*) **The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.**

Search of births and deaths register.

17. (*1*) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—

(*a*) cause a search to be made by the Registrar for any entry in a register of births and deaths; and

(*b*) obtain an extract from such register relating to any birth or death:

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(*2*) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates. 1 of 1872.

Inspection of registration offices.

18. The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

Registrars to send periodical returns to the Chief Registrar for compilation.

19. (*1*) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of births and deaths in the register kept by such Registrar.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrars to be compiled and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

CHAPTER V

MISCELLANEOUS

Special provision as to registration of births and deaths of citizens outside India.

20. (1) The Registrar-General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955, and every such registration shall also be deemed to have been duly made under this Act.

57 of 1955.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein, they may, at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to the birth of such child after the expiry of the period of sixty days aforesaid.

Power of Registrar to obtain information regarding birth or death.

21. The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

Power to give directions.

22. The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.

Penalties.

23. (1) Any person who—

(a) fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9; or

(b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or

(c) refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11,

shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to twenty-five rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be tried summarily by a magistrate. 5 of 1898

Power to compound offences.

24. (1) Subject to such conditions as may be prescribed, any officer authorised by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

Sanction for prosecution.

25. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in this behalf.

Registrars and Sub-Registrars to be deemed public servants.

26. All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Delegation of powers.

27. The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

Protection of action taken in good faith.

28. (*1*) No suit, prosecution or other legal proceeding shall lie against the Government, the Registrar-General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(*2*) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Act not to be in derogation of Act 6 of 1886.

29. Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886.

Power to make rules.

30. (*1*) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) the forms of registers of births and deaths required to be kept under this Act;

(*b*) the period within which and the form and the manner in which information should be given to the Registrar under section 8;

(*c*) the period within which and the manner in which births and deaths shall be notified under sub-section (*1*) of section 10;

(*d*) the person from whom and the form in which a certificate as to cause of death shall be obtained;

(*e*) the particulars of which extract may be given under section 12;

(*f*) the authority which may grant permission for registration of a birth or death under sub-section (*2*) of section 13;

(*g*) the fees payable for registration made under section 13;

(*h*) the submission of reports by the Chief Registrar under sub-section (*4*) of section 4;

(*i*) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;

(*j*) the forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;

(*k*) the custody, production and transfer of the registers and other records kept by Registrars;

(*l*) the correction of errors and the cancellation of entries in the register of births and deaths;

(*m*) any other matter which has to be, or may be, prescribed.

Repeal and saving.

31. (*1*) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters, covered by this Act shall stand repealed in such State or part, as the case may be.

(*2*) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

Power to remove difficulty.

32. If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any area, the State Government may, with the approval of the Central Government, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section in relation to any area in a State after the expiration of two years from the date on which this Act comes into force in that area.

STATEMENT OF OBJECTS AND REASONS

At present only a few States like Assam, Madras, Kerala and West Bengal have separate legislation in regard to registration of births and deaths, while others have only enabling provisions in this behalf in the Municipal Act, Panchayat Act, Chowkidar Manual or Land Revenue Manual so that the matter is governed by executive orders or bye-laws setting out legal registration procedure. Such a situation, by its very nature, leads to diversity in parctices and inefficiency of perfomance Various national committees and experts, who gave attention to the problem, have strongly recommended the need for a Central legislation to regulate registration of births and deaths in the country

2 The Central Government needs adequate and accurate country-wide registration data for purposes of national planning, organising public health and medical activities and developing family planning programmes Population is one of the most dynamic factors in the present economy of the country but it is here that information on trends furnished by the registration data is very defective and unreliable The national interest requires an acceptable level of performance by the States and technical uniformity of the methods and standards used in the collection and compilation of data throughout the country The Government, therefore, consider that in order to develop a sound and unified system of registration in the country, Central legislation is necessary on the subject.

3 The Bill seeks to give legal status to the existing officials in the registration machinery, who are drawn from different departments to look after the registration work in addition to their other normal duties and to bind them in a registration hierarchy with the Registrar-General India, at the Centre and Chief Registrar at the State, running through District Registrars to the village and town Registrars at the periphery The provisions of the Bill are built closely around the current registration practices where experience of their working in several States has shown them to be practicable and efficient They unify the existing legal and administrative provisions They are broad enough to permit State variation in operational details as demanded by the particular characteristics of their respective administrations but are specific enough to ensure development of the system so as to secure a minimum of uniformity and comparability in coverage and efficiency. The Bill lays down specific principles, general lines of action and channels of authority but execution

is left with the States, and accordingly details of implementation are relegated to rules to be made by the State Governments with the approval of the Central Government so as to secure a minimum uniformity. The Bill also empowers the Central Government to issue directions to State Governments for implementing the provisions of the Bill when enacted.

NEW DELHI;
The 20th July, 1967.

K. S. RAMASWAMY

FINANCIAL MEMORANDUM

Chapter II of the Bill gives the details of registration-establishment at the Centre and at State, district, municipal and village levels. This establishment already exists, although the specific designations used in the Bill may not be current. The Bill gives a legal status to the various officials in the registration machinery who at present attend to the registration work in addition to their other normal duties. The machinery will thus consist of officials of various departments associated with registration work. The Bill binds them in a registration hierarchy with the Registrar General, India, at the Centre and Chief Registrar at the State, running through District Registrars to the village and town registrars at the periphery. No extra expenditure on account of staff or otherwise will be needed so far as the office of the Registrar-General, India, is concerned. In the case of Union territories, which have no separate Consolidated Fund namely, Delhi, Andaman and Nicobar Islands, Laccadive, Minicoy and Amindive Islands, Dadra and Nagar Haveli and Chandigarh, and in the case of North-East Frontier Agency there will be no expenditure on Chief Registrars, District Registrars and Registrars, since the duties and responsibilities of these offices will devolve on regular officers of the various departments of the territories already in position.

2. A recurring annual expenditure estimated at Rs. 10,000 may, however, be incurred on printing of the registers and statistical reports referred to in clauses 16(2) and 19(2) of the Bill in respect of the Union territories mentioned above.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for the registration of information as to births and deaths of citizens abroad received by the Registrar-General under the Citizenship Act, 1955. The matters to be provided for by rules are merely of an administrative or procedural nature.

Clause 30 of the Bill empowers the State Government in regard to all other matters to make rules, but only with the approval of the Central Government. The matters in respect of which rules may be so made relate, *inter alia*, to the forms of registers of births and deaths, the period within which and the manner in which information is to be given or notified, the authority who may grant permission for delayed registration and the fees payable for delayed registration, the search of registers of births and deaths and grant of extracts on payment of fees, the period of gestation for classifying a foetal death as a still-birth and the conditions subject to which an offence against the Act may be compounded. These are matters of form, procedure or detail.

The delegation of legislative power is, therefore, of a normal character.

B. N. BANERJEE,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, 1967.